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10/695,474	10/28/2003	Tomonori Gotoh	FUJS 20.713	5600
26304 7590 06/03/2009 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,474

Applicant(s)

GOTOH ET AL.

Examiner

SALVADOR E. RIVAS

Art Unit

2419

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 3-5, and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Applicant's amendments filed on February 23, 2009.

Claims 1, 3-5, and 8 are now pending in the present application. This Action is made Final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over by admitted prior art (**U.S. Patent Application Publication #2004/0085966 A1**), in view of **Xu et al. (U.S. Patent Application Publication #2002/0114333 A1)**, and further view of **Matsumaru (U.S. Patent Application Publication #2002/0097676 A1)**.

Regarding **claim 1**, the admitted prior art teach a transmitter (Fig.13 @ 1-1) in a network where a plurality of transmitters have an individual specific address (Fig.13) and are connected through different transmission paths so that a packet with information about a source address is transmitted,

said transmitter (Fig.15) comprising: a plurality of transmission path ports respectively connected to said different transmission paths for receiving said packet (Fig.15 @ 111, 121, 131, 141); and

each transmission path port being adapted to send said packet to and receive said packet from one of said transmission paths ("This makes it possible to relay a packet received via the receiving ports 111, 121, 131, or 141 to a relay transmitter from which the received packet reaches its destination (destination transmitter)." Paragraph [0008]); and

a relay section (Fig.15 @ 160) relaying the received packet to a relay transmission path of said transmission paths by which said received packet reaches its destination (Fig.14);

wherein said relay section comprises:

a table (read as table register (Fig.15 @ 180)) storing information about the relay of said received packet to one of said transmission path ports connected to said relay transmission path, correlated with a port identifier of each said transmission path port and the source address of the transmitter that transmitted said packet (read as table register, Fig.15 @ 180, used for storing "...a transmitting port number for relaying data for each destination address.", paragraph [0017] Lines 6-8); and

a router (read as routing processing unit (Fig.15 @ 170)).

However, the admitted prior art fails to teach a router extracting the port identifier of the transmission path port that received said packet and said source address contained in said received packet, and

routing said received packet to one of said transmission path ports, which is connected to said relay transmission path, by referring to said table for said extracted port identifier and source address,

wherein said router comprises:

a receiving port extracting part extracting the receiving port identifier of the transmission path port that received said packet;

a source address extracting part extracting the source address contained in said received packet; and

a routing part performing said routing by referring to said table in response to said receiving port identifier extracted by said receiving port extracting part and said source address extracted by said source address extracting part,

wherein said routing part comprises:

a judging part judging whether or not to relay said received packet by referring to said table,

based on said receiving port identifier extracted by said receiving port extracting part and said source address extracted by said source address extracting part; and

an assigning part assigning said received packet to a transmission path port when it is judged by said judging part that said received packet is to be relayed,

said assigning part comprising a plurality of transmitting parts each corresponding to a respective one of said transmission path ports,

said judging part outputs a plurality of judged results for said plurality of transmitting parts, respectively,

each of said plurality of transmitting parts outputs said received packet to a respective one of said transmission path ports based on a corresponding judged result from said judging part and

said judging part judges not to relay said received packet to a transmission path port of which port identifier is identical to said receiving port identifier extracted by said receiving port extracting part.

Xu et al. teach a device (read as call control manager (Fig. 1 @ 36), Paragraph [0042] Lines 2-6) for sending datagrams representing real time streaming media frames to a client independent of whether the client is served by a network address proxy.

Furthermore, Xu et al. teach a router (Fig. 1 @ 36) for extracting the port identifier of the transmission path port that received said packet and said source address contained in said received packet ("call control manager 36 can extract a

source network address and a source port number from datagrams originated by client 16 (and translated by NAT server 28) to identify a destination network address and port number to which datagrams can be sent ..." (Paragraph [0042])), and

routing said received packet to one of said transmission path ports, which is connected to said relay transmission path, by referring to said table for said extracted port identifier and source address (read as the call control manager (Fig.1 @ 36) can be coupled with a directory server (Fig. 1 @ 38) that "... maintains a client table database 42 that associates each client 14, 16, and 18 to a client identifier that is stable and to a network address currently assigned to the client." (Paragraph [0040] Lines 8-11)),

wherein said router comprises:

a receiving port extracting part (Fig. 1 @ 36) for extracting the receiving port identifier of the transmission path port that received said packet (Paragraph [0042]));

a source address extracting part (Fig. 1 @ 36) for extracting the source address contained in said received packet (Paragraph [0042])); and

a routing part for performing said routing by referring to said table (Fig. 3b @ 48) in response to said receiving port identifier extracted by said receiving port extracting part and said source address extracted by said source address extracting part (read as the call control manager maintains a session table (Fig. 3b @ 48) that is used to compare the extracted datagrams parameters in order to establish a session connection between different users if no match for parameters are found on the session table the parameters are added onto the session table (Fig. 3b @ 48, Fig. 7).),

wherein said routing part comprises:

a judging part (read as session relay (Fig.1 @ 46)) for judging whether or not to relay said received packet by referring to said table (read as the call control manager maintains a session table (Fig. 3b @ 48) that is used to compare the extracted datagrams parameters in order to establish a session connection between different users if no match for parameters are found on the session table the parameters are added onto the session table (Fig. 3b @ 48, Fig. 7).),

based on said receiving port identifier extracted by said receiving port extracting part and said source address extracted by said source address extracting part (Paragraph [0042]); and

an assigning part (read as session table (Fig.1 @ 48, Fig. 3b @ 48)) for assigning said received packet to a transmission path port when it is judged by said judging part (Fig.1 @ 46) that said received packet is to be relayed (the call control manager maintains a session table (Fig. 3b @ 48) that is used to compare the extracted datagrams parameters in order to establish a session connection between different users if no match for parameters are found on the session table the parameters are added onto the session table (Fig. 3b @ 48, Fig. 7).),

said assigning part (Fig.1 @ 48, Fig. 3b @ 48) comprising a plurality of transmitting parts each corresponding to a respective one of said transmission path ports (read as RTP Channel port numbers (Fig. 3b @ 48)),

said judging part (Fig.1 @ 46, Fig. 3b @ 46) outputs a plurality of judged results for said plurality of transmitting parts (read as RTP Channels (Fig. 3b @ 48)), respectively, and

each of said plurality of transmitting parts (read as RTP Channels (Fig. 3b @ 48)) outputs said received packet (read as an IP datagram) to a respective one of said transmission path ports (read as RTP Channel port numbers (Fig. 3b @ 48)) on the basis of a corresponding judged result from said judging part (Fig.1 @ 48, Fig. 3b @ 48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the function for extracting certain datagram parameters, a session table, and a function of maintaining a session table as taught by Xu et al. within the system of the admitted prior art for the purpose of efficiently establishing data packet transmission control.

However, the admitted prior art and Xu et al. fail to explicitly teach said judging part judges not to relay said received packet to a transmission path port of which port identifier is identical to said receiving port identifier extracted by said receiving port extracting part.

Matsumaru teaches a suspend packet transmitter for "... checking whether or not a device connected with a communication network fulfills suspend and resume function." (Paragraph [0015]) Furthermore, Matsumaru teaches said judging part (Fig.1 @ 3, Fig.2 @ S6) judges not to relay (read as applying a suspend function) said received packet (read as data) to a transmission path port (Fig.1 @ 7) of which port identifier is identical to said receiving port identifier extracted by said receiving port extracting part (Fig.1 @ 2). ("a judging unit for judging with reference to data in said device status checking unit whether or not a device without suspend and resume

function exists in a domain set in suspend state by means of inputted suspend device number and port number" Paragraph [0015])

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the judging function for determining whether the inputted port number of the inputted suspend device number corresponds to a port to output the relaying suspend packet as taught by Matsumaru and the function for extracting certain datagram parameters, a session table, and a function of maintaining a session table as taught by Xu et al. within the system of the admitted prior art for the purpose of efficiently establishing data packet transmission control.

Regarding **claim 3**, and **as applied to claim 1 above**, the admitted prior art, as modified by Xu et al. and Matsumaru, teaches a transmitter (Fig.13 @ 1-1, Fig.15 @) wherein, as said information about the relay of said received packet correlated with said receiving port identifier and said source address, said table (read as a table register, Fig.15 @ 180) stores both information that said received packet is not relayed if it circulates within said network, and information that said received packet is relayed if it does not circulate within said network (Fig.15 @ 180 " stores...data", paragraph [0017], 6-7).

Regarding **claim 4**, and **as applied to claim 3 above**, the admitted prior art, as modified by Xu et al. and Matsumaru, teaches the transmitters wherein said network has a mesh path or ring path through which said received packet can circulate (Fig.13).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over by admitted prior art (**U.S. Patent Application Publication #2004/0085966 A1**) in view of

Xu et al. (U.S. Patent Application Publication #2002/0114333 A1) and further view of **Matsumaru (U.S. Patent Application Publication #2002/0097676 A1)** and **Yonekura (U.S. Patent Application Publication #2002/0087730 A1)**.

Regarding **claim 5**, and **as applied to claim 1 above**, the admitted prior art teaches the transmitters wherein in the case where a path to a destination transmitter is divided into a plurality of paths and has a redundant structure (as read by the ring topology in Fig.13, where the "counter-rotating ring" forms a redundant topology), said received packet is routed by said router (read as routing processing unit, Fig.15 @ 170).

Xu et al. teach a device (read as call control manager (Fig. 1 @ 36)), Paragraph [0042] Lines 2-6) for sending datagrams representing real time streaming media frames to a client independent of whether the client is served by a network address proxy.

Matsumaru teaches a suspend packet transmitter for "... checking whether or not a device connected with a communication network fulfills suspend and resume function." (Paragraph [0015])

However, the admitted prior art, Xu et al., and Matsumaru fails to teach the transmission path ports to relay said received packet are assigned in said table so that many of them are not relayed only to a specific path forming said redundant structure.

Yonekura teaches a content relay device (Fig.1 @ 10a) that "...regards users of the portable telephone sets 20a as service target members, and manages a name, a contact address, authentication information, and the like, for each member in a member information database." (Paragraph [0040] Lines 9-14) Furthermore, Yonekura teaches the transmission path ports to relay said received packet are assigned in said table

(read as member information database) so that many of them are not relayed only to a specific path forming said redundant structure. ("... content relay service device manages a member information database in which a member is registered, and the member is a service receiver who uses a browser installed terminal subscribed to a communication service of a data amount charging type network connected to the Internet." Paragraph [0016])

Therefore, it would have been obvious to a person of ordinary skill in the art to employ the member information database taught by Yonekura, the judging function for determining whether the inputted port number of the inputted suspend device number corresponds to a port to output the relaying suspend packet as taught by Matsumaru, and mechanisms for extracting certain datagram parameters, a session table, and a function of maintaining a session table as taught by Xu et al. within the relay transmitter of admitted prior art for the purpose of being able to find a convenient path for packet routing between device on a communication network.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over by **Xu et al. (U.S. Patent Application Publication #2002/0114333 A1)** in view of **Gardell et al. (U.S. Patent # 6,298,062 B1)** and further in view of **Matsumaru (U.S. Patent Application Publication #2002/0097676 A1)**.

Regarding **claim 8**, Xu et al. teach a packet transmission method for a network where transmitters with an individual address are connected through different transmission paths so that a packet with information about the address of a source transmitter is transmitted from the source transmitter to a destination transmitter (read

as a method executed by an intermediate device (read as a telephony service provider (Fig.1 @ 34) with a call control manager (Fig. 1 @ 36) and directory server (Fig.1 @ 38)), Paragraph [0042] Lines 2-6) for sending datagrams representing real time streaming media frames to a client independent of whether the client is served by a network address proxy.),

in a relay transmitter (read as a telephony service provider (Fig.1 @ 34) with a call control manager (Fig. 1 @ 36) and directory server (Fig.1 @ 38)) between said source transmitter (read as Callee Client (Fig.2a @ 18)) and said destination transmitter (read as Caller Client (Fig.2a @ 16))

a port extracting step of extracting the receiving port identifier in a packet received through said transmission path ("call control manager 36 can extract a source network address and a source port number from datagrams originated by client 16 (and translated by NAT server 28) to identify a destination network address and port number to which datagrams can be sent ..." (Paragraph [0042])),

an address extracting step of extracting a source address contained in said received packet (Paragraph [0042]), and

a routing step of routing said received packet, based on said extracted receiving port identifier and said extracted source address (read as the call control manager (Fig.1 @ 36) can be coupled with a directory server (Fig. 1 @ 38) that "... maintains a client table database 42 that associates each client 14, 16, and 18 to a client identifier that is stable and to a network address currently assigned to the client." (Paragraph [0040] Lines 8-11)),

wherein said routing step comprises:

a judgement step (read as session relay (Fig.1 @ 46)) of judging whether or not to relay said received packet for each of a plurality of transmission paths (read as the call control manager maintains a session table (Fig. 3b @ 48) that is used to compare the extracted datagrams parameters in order to establish a session connection between different users if no match for parameters are found on the session table the parameters are added onto the session table (Fig. 3b @ 48, Fig. 7).), based on said extracted port identifier and said extracted source address (Paragraph [0042]); and

an assignment step in which, when it is judged in said judgement step that said received packet is to be relayed (read as the call control manager maintains a session table (Fig. 3b @ 48) that is used to compare the extracted datagrams parameters in order to establish a session connection between different users if no match for parameters are found on the session table the parameters are added onto the session table (Fig. 3b @ 48, Fig. 7).),

said received packet is assigned to a transmission port corresponding to one of said plurality of transmission paths (Paragraph [0042]), and

when it is judged in said judgement step that said received packet is not to be relayed (read as the call control manager maintains a session table (Fig. 3b @ 48) that is used to compare the extracted datagrams parameters in order to establish a session connection between different users if no match for parameters are found on the session table the parameters are added onto the session table (Fig. 3b @ 48, Fig. 7).).

However, Xu et al. fails to teach wherein information that said received packet is not relayed is issued and

said received packet is not assigned to a correlated transmission port corresponding to another of said plurality of transmission paths, and

said judgement step judging not to relay said received packet to a transmission path port of which port identifier is identical to said receiving port identifier extracted by said receiving port extracting part.

Gardell et al. teach method and apparatus with "... novel capabilities for telephonic communications over a computer network." (Column 2 Lines 38-40) Furthermore, Gardell et al. teach a routing method ("... provides call routing services for calls originating in a SCN as well as for calls originating in an IP network." Column 2 Lines 65-67) wherein information (read as an incoming call) that said received packet (read as an IP packet) is not relayed is issued ("... determining whether the terminal end-point is unavailable to receive the incoming call;" Column 3 Lines 20-21) and

said received packet is not assigned to a correlated transmission port corresponding to another of said plurality of transmission paths ("... if the terminal end-point is unavailable, determining an appropriate network-resident service sub-system to receive the call;" Column 3 Lines 21-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the function for determining and executing actions for call routing services based on packet information as taught by Gardell et al. within the system with mechanisms for extracting certain datagram parameters, a

session table, and a function of maintaining a session table as taught by Xu et al. for the purpose of efficiently establishing data packet transmission control.

However, Xu et al. and Gardell et al. fail to explicitly teach said judgement step judging not to relay said received packet to a transmission path port of which port identifier is identical to said receiving port identifier extracted by said receiving port extracting part.

Matsumaru teaches a suspend packet transmitter for "... checking whether or not a device connected with a communication network fulfills suspend and resume function." (Paragraph [0015]) Furthermore, Matsumaru teaches said judgement step (Fig.1 @ 3, Fig.2 @ S6) judging not to relay (read as applying a suspend function) said received packet (read as data) to a transmission path port (Fig.1 @ 7) of which port identifier is identical to said receiving port identifier extracted by said receiving port extracting part (Fig.1 @ 2). ("a judging unit for judging with reference to data in said device status checking unit whether or not a device without suspend and resume function exists in a domain set in suspend state by means of inputted suspend device number and port number" Paragraph [0015])

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the judging function for determining whether the inputted port number of the inputted suspend device number corresponds to a port to output the relaying suspend packet as taught by Matsumaru and the function for determining and executing actions for call routing services based on packet information as taught by Gardell et al. within the system with mechanisms for extracting certain

datagram parameters, a session table, and a function of maintaining a session table as taught by Xu et al. for the purpose of efficiently establishing data packet transmission control.

Response to Arguments

3. Applicant's arguments with respect to claim 1, 3-5, and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Alexandria, VA 22313-1450

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Alexandria, VA 22314

Any inquiry concerning this communication or early communications from the Examiner should be directed to Salvador E. Rivas whose telephone number is (571) 270-1784. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Chirag G. Shah can be reached on (571) 272- 3144. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Salvador E. Rivas
S.E.R./ser

May 26, 2009

/Gregory B Sefcheck/

Primary Examiner, Art Unit 2419

6-2-2009